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Remarks

Introduction

Claims 15-30 were pending. By way of this response, claim 23 has been amended to correct a spelling error. The amendments to claim 23 do not introduce new matter. Accordingly, claims 15-30 remain pending.

Applicant acknowledges that claims 20-24 and 28-30 include allowable subject matter.

Claim Objections

Claim 23 has been objected to for misspelling break and breaking. Claim 23 has been amended to correct the spelling. Accordingly, Applicant submits the objection has been overcome.

Claim Rejections

Claims 15-19 and 25-27 have been rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Klassen et al. (U.S. Patent No. 5,553,881; hereinafter Klassen).

Applicant traverses the rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (Emphasis added; *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

Klassen discloses a bicycle having a rear suspension system 12 which comprises a rear swinging arm assembly 34 (see FIG. 2 and column 5, lines 19-22). The rear suspension system 12 also comprises a rocker frame 40 which is attached at its rearward end to the upper end of the upper control arm 50 of the swinging arm assembly 34 (see FIG. 2 and column 5, lines 35-38). As

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shown in FIGs. 19 and 20, as identified in the Office Action, the rear suspension system 300 comprises two eccentric crank members 302, 304 positioned below the bottom bracket shell 24 (FIGs. 19-20 and column 16, lines 8-10).

Applicant submits that Klassen does not describe each and every element set forth in the claims, and therefore, the present claims, and claims 15-19 and 25-27 in particular, are not anticipated by Klassen. Applicant submits that Klassen does not disclose, teach, or suggest the present invention.

For example, Klassen does not disclose, teach, or even suggest a rear wheel suspension system for a bicycle which comprises a seat stay comprising an upper end and a lower end portion, and which is pivotably attached to the rearward end of an upper rocker arm at a location between the upper end and the lower end portion of the seat stay, as recited in independent claims 15 and 25.

In direct contrast, Klassen specifically discloses that the upper control arm (element 50 in FIG. 2 and element 316 in FIGs. 19 and 20) is attached at its upper end to the rocker frame (element 40 in FIG. 2 and element 310 in FIGs. 19 and 20). Klassen does not disclose, teach, or even suggest attaching the upper control arm at any point other than the upper end, and specifically, does not disclose, teach, or even suggest attaching the upper control arm to the rocker frame at a location between the upper end and the lower end.

In addition, Klassen does not disclose, teach, or even suggest a bicycle comprising a rear wheel suspension system which comprises a lower rocker arm that is pivotably attached to the main frame of the bicycle above the bottom bracket, as recited in claim 15.

In contrast, as discussed above, Klassen specifically discloses that the lower swing arm member 314 is attached to two eccentric crank members 302, 304 which are positioned below the bottom bracket.

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Applicant also submits that each of the present dependent claims is separately patentable over the prior art. For example, none of the prior art disclose, teach, or even suggest the present bicycles or rear wheel suspension systems including the additional feature or features recited in any of the present dependent claims. Therefore, Applicant submits that each of the present claims is separately patentable over the prior art.

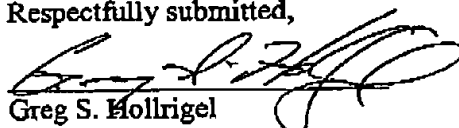
In view of the above, Applicant submits that the present claims, and claims 15-19 and 25-27 in particular, are not anticipated by Klassen under 35 U.S.C. § 102, and that the present claims are unobvious from and patentable over the prior art under 35 U.S.C. § 103.

Conclusion

In conclusion, Applicant has shown that the present claims are not anticipated by and are unobvious from and patentable over the prior art under 35 U.S.C. §§ 102 and 103. Therefore, Applicant submits that the present claims, that is claims 15-30 are allowable. Applicant respectfully requests the Examiner to pass the above-identified application to issuance at an early date. Should any matters remain unresolved, the Examiner is requested to call Applicant's representative at the telephone number given below.

Date: 12/10/04

Respectfully submitted,


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